

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: CHAPTER 13

MICHAEL M. LUCACIU Bkcy. Case No. 19-11891-amc

Debtor.

ORDER

IT IS ORDERED that Debtor's Motion to convert their case to one under Chapter 7 is here by GRANTED.

By the Court,

Dated: ____ __, ____

Hon. Ashely M. Chan
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:

CHAPTER 13

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Bkcy. Case No. 19-11891-amc

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**MOTION CONVERT TO A CASE UNDER
CHAPTER 7 PURSUANT TO 11 U.S.C.S. § 706(a)**

Michael M. Lucaci, respectfully notices this court of his intentions to convert the above Chapter 13 Case pursuant to 11 U.S.C. §1307(a) to a case under Chapter 7 on the grounds set forth below:

1. Debtor filed a voluntary petition under the provision of 11 U.S.C. Chapter 7 on March 27, 2019.
2. Debtor originally filed a Chapter 13 case as it was uncertain as to the true value of debtor's real estate and in order to avoid an improper filing under Chapter 7 debtor sought to get an appraisal which was recently obtained.
3. After obtaining the appraisal and learning that the property case is in fact consistent with his pre-petition belief, he now wishes to file a case under Chapter 7 as it is believed that there exist no non exempt equity.
4. As debtor's bankruptcy was necessary for the well-being of his family, due to the above and because the income in said household is insufficient to maintain a chapter 13 case, debtor believe that his financial recovery and his ability to move forward with his life is best served by converting his case to one under chapter 7.

5. Debtor qualifies under Chapter 7 of the Title 11.
6. Under §1307(a) of the bankruptcy Code, debtor is entitled to convert his Chapter 13 case to one under Chapter 7 as it is in the best interest of his family.
7. A copy of the Notice, has on this date, been mailed to the Chapter 13 Trustee serving this case and all affiliated creditors.

WHEREFORE, debtor, under bankruptcy Rule 1017(f)(3) and 1019, hereby gives notice and Motion for conversion of this Chapter 13 case to one under Chapter 7 of Title 11, United States Code and for such other relief as is just and proper.

Date: May 1, 2019

By: /s/ Robert Leite-Young
Robert Leite-Young, Esquire
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**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:

CHAPTER 13

MICHAEL M. LUCACIU

Bkcy. Case No. 19-11891-amc

Debtor.

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MEMORANDUM OF LAW IN SUPPORT OF DEBTOR'S MOTION(S)

Debtors through the undersigned counsel hereby submit this memorandum and argument in support of the within Motion(s).

I. ARGUMENT

Under 11 USCS § 1307(a), debtor may effect conversion from Chapter 13 proceedings to Chapter 7 proceedings at any time without qualification, and debtor will be permitted to demand such conversion notwithstanding creditor's assertion that dismissal of case is more appropriate. *In re Bullock*, 41 B.R. 637 (Bankr. E.D. Pa. 1984).

Debtor originally filed a Chapter 13 case as it was uncertain as to the true value of debtor's real estate and in order to avoid an improper filing under Chapter 7 debtor sought to get an appraisal which was recently obtained. After obtaining the appraisal and learning that the property case is in fact consistent with his pre-petition belief, he now wishes to file a case under Chapter 7 as it is believed that there exist no non exempt equity. As debtor's bankruptcy was necessary for the well-being of his family, due to the above and because the income in said household is insufficient to maintain a chapter 13 case, debtor believe that his financial recovery and his ability to move forward with his life is best served by converting his case to one under chapter 7.

Debtor is unable to able to comply with their Chapter 13 Plan and does not desire to retain the above referenced property. Under §1307(a) of the bankruptcy Code, debtor is entitled to convert their Chapter case to one under Chapter 7 as it is in the best interest of their creditors and her family.

II. CONCLUSION

As a Court of equity, the Honorable Judge Chan can permit debtor the ability to convert his case to one under Chapter 7.

WHEREFORE, debtor respectfully asks that the Court grant this motion and for such other relief as is just and proper.

Date: Date: May 1, 2019

By: /s/ Robert Leite-Young
Robert Leite-Young, Esquire
Attorney for Debtor
6950 Castor Avenue
Philadelphia, PA 19149
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

CHAPTER 13

MICHAEL M. LUCACIU

Bkcy. Case No. 19-11891-amc

Debtor.

CERTIFICATE OF SERVICE

I hereby certify that the within Motion to Convert Case was served upon all parties of interest by First Class Mail, unless served electronically, at the below address on May 1, 2019.

Synchrony Bank c/o PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541	U.S. Attorney Office Virginia Powel, Esq. Room 1250 615 Chestnut Street Philadelphia, PA 19107	Philadelphia 900 Market Street Suite 400 Phila, PA 19106
AMEX Department Stores PO Box 8218 Mason, OH 45040	BANK OF AMERICA PO BOX 982238 EL PASO TX 79998	Barclays Bank Delaware PO Box 8803 Wilmington, DE 19899
Chase Bank USA, N.A. c/o Robertson, Anschutz & Schneid, PO Box 15298 6409 Congress Avenue, Suite 100 Boca Raton, FL 33487	Chase Card Wilmington, DE 19850	Citicards PO Box 6241 Sioux Falls, SD 57117
Citicards CBNA PO Box 6241 Sioux Falls, SD 57117	Citizens Bank PO Box 42010 Providence, RI 02940	Citizens Bank PO Box 9665 Providence, RI 02940
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Respectfully submitted,

s/ Robert Leite-Young
Counsel for Debtor